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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/259,984	NISHIKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dominic D Saltarelli	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because of objections made in the drafter's patent drawing review. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

2. Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

### **Annotated Drawing Sheets**

3. A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

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### **Timing of Corrections**

4. Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Digital Satellite System/Web TV with display option palette with multiple filtering options.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5, 8, 10, 11, 16, 17, 19-25, 27, 30, 32, 33, 38, 39, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Legall et al. (6,005,565).

Regarding claims 1, 20, 21, 23, 42, and 43, Legall et al. disclose an apparatus and corresponding method for displaying information on a television comprising: a circuit that receives wireless television communication signals (105) from a satellite (col. 2, lines 17-20), the wireless television signals including sensory [broadcasts] and programming data related to the sensory data (col. 2, lines 17-23), a circuit that receives computer network communication signals (110) from the Internet (col. 2 line 28-31), a circuit that displays the received wireless television communication signals and the received computer network communication signals on the television (100) (col. 2, line 15 and col. 2 lines 38-40), and a circuit that displays an option palette [tool area] (Figure 2, left hand column of icons) (col. 2, lines 44-47) on the television, the option palette having a plurality of icons that facilitate a user's navigation through the received wireless television communication signals (such as the 'Attractions' and 'EPG' icons).

Regarding claims 2, 3, 5, 8, 24, 25, 27, and 30, Legall et al. disclose the apparatus and corresponding method of claims 1 and 23, and further disclose a circuit that displays a plurality of filtering options (Figure 3B, search window 375) (col. 3, lines 11-13) on the television, each filtering option representing a way in which the programming data in the received wireless television communication signals is displayed on the television (col. 3, lines 13-19), and the filtering options [power search tool] are displayed by selecting an icon in the option palette [tool

area] (col. 2, lines 44-47). These filtering options can comprise a category, such as sports and drama, associated with the programming data (col. 4, lines 3-8).

Regarding claims 10, 11, 32, and 33, Legall et al. disclose the apparatus and corresponding method of claims 2 and 24, and further disclose filtering the programming data by a predetermined time period associated with the programming data (Figure 3B, items 351 and 352, col. 3, lines 39-42) in response to the user selecting a filtering option (col. 3, lines 43-45). This predetermined time period is shown in Figure 3B to be an hour.

Regarding claims 16, 17, 38, and 39, Legall et al. disclose the apparatus and corresponding method of claims 1 and 23, and further disclose: an on-screen search window (Figure 3B, search window 375) (col. 3, lines 11-13) on the television, the on screen search window for displaying a search command entered by the user (340) (col. 3, lines 28-31), a remote keyboard (115) (col. 2 lines 26-28) in communication with the on-screen search window circuit such that the user can enter the search command in the on-screen search window via the remote keyboard (col. 3, lines 28-31), and a circuit (306) for searching the programming data in accordance with and in response to the entered search command (col. 3, lines 11-17).

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Regarding claims 19 and 41, Legall et al. disclose the apparatus and corresponding method of claim 1 and 23, and further disclose an apparatus and corresponding method which comprises a circuit that filters the programming data of the wireless television communication signals by channel and a circuit that displays a plurality of channels of programming data on the television (220) (col. 2, lines 40-47), and a circuit that permits the user to select a number of channels displayed on the television (col. 2, lines 57-59) in response to the user selecting an icon in the option palette (EPG icon from left hand column in Figure 2).

Regarding claims 22 and 44, Legall et al. discloses the apparatus and corresponding method of claim 1 and 23, and further discloses a remote controller (115) for facilitating a user's selection of an icon (col. 2, lines 26-28).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 6, 7, 9, 26, 28, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al.

Regarding claims 4, 6, 7, 9, 26, 28, 29, and 31, Legall et al. disclose the apparatus and corresponding method of claims 3 and 25, but does not specifically disclose the filtering categories to be movies, specials, attractions or education.

Legall et al. does describe the filtering options to comprise broadcast categories (col. 4, line 6), the statement is broad enough for the categories to include a multitude of other options, such as those listed above.

It would have been obvious at the time to a person or ordinary skill in the art to modify the apparatus and corresponding method disclosed by Legall et al. to comprise the filtering option to be categories such as movies (claims 4 and 26), specials (claims 6 and 28), attractions (claims 7 and 29) or education (claims 9 and 31). The reason for doing to would be to add greater flexibility to the filtering abilities of the modified apparatus and corresponding method.

10. Claims 18 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. in view of Maekawa et al. (5,081,628).

Regarding claims 18, and 40, Legall et al. disclose the apparatus and corresponding method of claims 16 and 38, but fail to specifically disclose the user input device to be a wireless keyboard.

Legall et al. do disclose the user input device may include a keyboard or other input device.



Maekawa et al. disclose a wireless keyboard (3) used in conjunction with a display device (1) and serves to eliminate cable that occupies space and impairs appearance (col. 1, lines 19-21 and col. 1, lines 42-43).

It would have been obvious at the time to modify the apparatus and corresponding method of Legall et al. to make the user input device a wireless keyboard as taught by Maekawa et al. The reason for doing so would be to eliminate cable that occupies space and impairs appearance.

11. Claims 12, 13, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. in view of Schultheiss (6,208,384).

Regarding claims 12, 13, 34, and 35, the apparatus and corresponding method of Legall et al. describes the inventions of claims 10 and 32, but fails to disclose the filtering option of filtering the programming data by a predetermined time period associated with the programming data is time period being a day or month.

Schultheiss discloses software (col. 8, lines 48-51) which can display TV listings [programming data] which is viewer customizable (col. 8, lines 60-65), most notably regarding how many days of listings to display, allowing viewer customization of the EPG according to interest.

It would have been obvious at the time to modify the apparatus and corresponding method of Legall et al. to provide a filtering option that filters the

programming data by a predetermined time period of a day or month as taught by Schultheiss. The filtering option taught by Schultheiss is an open-ended form of customization, and thus the reason for doing so would be to provide further customization of displayed programming data (EPG) according to viewer interest.

12. Claims 14, 15, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. in view of Maze et al. (6,216,264).

Regarding claim 14, 15, 36, and 37, Legall et al. disclose the apparatus and corresponding method of claims 1 and 23, and additionally disclose a circuit for entering a search command in response to the user selecting the keys of a keyboard (Figure 3B, text field 340) and a circuit (306) for searching the programming data in accordance with and in response to the entered search command (col. 3, lines 11-17). Legall et al. fail to disclose a circuit for displaying an on-screen keyboard.

Maze et al. disclose a circuit for displaying an on-screen keyboard (Figure 6) and a remote controller for (450R) which enables a user to select the keys of the on-screen keyboard (col. 5, lines 17-25), so that only a remote control is required for entering text searches in a quick and recognizable fashion.

It would have been obvious at the time to modify the apparatus and corresponding method disclosed by Legall et al. to further comprise a circuit for displaying an on-screen keyboard for entering a search command through the use of a remote controller as taught by Maze et al. The reason for doing so

would be so that only a remote control is required for entering text searches in a quick and recognizable fashion.

13. Claims 45-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (5,923,379) in view of Legall et al.

Regarding claim 45, Patterson discloses: a DSS processing element (12, 14, 16, 26) (col. 2 line 52 – col. 3 line 14) communicatively connected to at least one satellite communication channel for receiving digital communication signals, the DSS processing element converting the received digital communication signals into a form that can be displayed on the television, an Internet processing element (40, 26, 32) (col. 3, lines 48-53) communicatively connected to the Internet for receiving computer network communication signals and converting the received computer network communication signals into a form that can be displayed on the television, the Internet processing element receiving the converted digital communication signals from the DSS processing element and displaying the converted digital communication signals and the converted computer network communication signals.

What Patterson fails to disclose is the received digital communication signals include sensory data and programming data related to the sensory data, the DSS processing element to generate an option palette having a plurality of icons that facilitate a user's navigation through the converted digital

communication signals, and for the Internet processing element to display said option palette.

Legall et al. disclose received communication signals include sensory data and programming data related to the sensory data (col. 2, lines 17-20) for generating an electronic program guide (col. 2, lines 20-23), and an option palette (Figure 2, left hand column of icons) for facilitating navigation through received communication signals (col. 2, lines 44-47), all in order to provide a means for a user to search through and display via the Internet processing element programming and associated data (col. 1, lines 30-43).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus disclosed by Patterson to include the received digital communication signals to include sensory data [conventional audio/visual data] and programming data related to the sensory data, and for the DSS processing element to generate an option palette having a plurality of icons that facilitate a user's navigation through the converted digital communication signals, and for the Internet processing element to display said option palette, as taught by Legall et al. The reason for doing so would be to provide an easy to use means for the user to quickly search through and display available programming from the received digital communication signals.

Regarding claims 46 and 47, the modified apparatus of Patterson and Legall et al. discloses the apparatus of claim 45, but fails to disclose the DSS

processing element generates a plurality of filtering options, each filtering option representing a way in which the programming data in the converted digital communication signals are displayed on the television, wherein a filtering option is filtering the programming data by a category associated with the programming data, and the Internet processing element receives the plurality of generated filtering options from the DSS processing element and displays the plurality of generated filtering options on the television

Legall et al. further discloses a plurality of filtering options [power search tool] (col. 4, lines 3-7) displayed in response to the user selecting an icon in the option palette [tool area] (col. 2, lines 43-47), each filtering option representing a way in which the programming data in the converted digital communication signals are displayed on the television, wherein a filtering option is filtering the programming data by a category associated with the programming data.

It would have been obvious at the time to further modify the apparatus of Patterson and Legall et al. to have the same DSS processing element which generates the option palette to also generate a plurality of filtering options in response to the user selecting an icon in the option palette, where each filtering option represents a way in which the programming data in the converted digital communication signals are displayed on the television, wherein a filtering option is filtering the programming data by a category associated with the programming data, and to have the Internet processing element receive the plurality of generated filtering options from the DSS processing element and display the

plurality of generated filtering options on the television as further taught by Legall et al. Legall et al. teaches the reason for doing so is to provide instantly accessible search [filtering] options that are selectable, instead of having a user enter or re-enter them manually each time (Legall et al. col. 3, lines 57-60)

Regarding claim 48, the modified apparatus of Patterson and Legall et al. discloses the apparatus of claim 46, but fails to disclose the filtering option is filtering the programming data by a predetermined time period associated with the programming data.

Legall et al. disclose the filtering the programming data by a predetermined time period associated with the programming data (Figure 3B, items 351 and 352, col. 3, lines 39-42) as an additional feature of the power search tool, enhancing its capability and flexibility.

It would have been obvious at the time to further modify the apparatus of Patterson and Legall et al. to provide a filtering option that filters the programming data by a predetermined time period as taught by Legall et al. The reason for doing so is enhanced flexibility.

Regarding claim 50, the modified apparatus of Patterson and Legall et al. includes a remote controller (115) (Legall et al. col. 2, lines 26-28) for enabling a user to select an icon from the plurality of icons of the option palette.

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14. Claim 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson and Legall et al. as applied to claim 45 above, and further in view of Maze et al.

Regarding claim 49, the modified apparatus of Patterson and Legall et al. discloses the apparatus of claim 45, and additionally discloses the DSS processing element searches the programming data in the converted digital communication signals for information associated with an entered search command (Legall et al. col. 3, lines 14-16), but fails to disclose the means by which said search command is entered is an on-screen keyboard.

Maze et al. disclose a circuit for displaying an on-screen keyboard (Figure 6) for entering text searches in a quick and recognizable fashion.

It would have been obvious at the time to modify the modified apparatus disclosed by Patterson and Legall et al. to further comprise an on-screen keyboard as taught by Maze et al. for entering text searches in a quick and recognizable fashion.

### ***Conclusion***

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

## Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant, can be reached at (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS

  
CHRIS GRANT  
PRIMARY EXAMINER